

**EXHIBIT B****SUBJECT: EMPLOYEE PERFORMANCE AND DISCIPLINARY ACTION****POLICY NUMBER: 2-700**

Chapter 2: <b>PERSONNEL MANAGEMENT</b>	Pages: <b>5</b>
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**POLICY:**

The Sheriff sets guidelines governing the general conduct of all Sheriff's Office employees. A system addressing employee performance and disciplinary action is established to maintain high standards of professionalism on and off duty. The system is progressive, when applicable, and focused on improving job performance. The system of addressing employee performance does not imply that all actions must progress from step one. Supervisors can choose to initiate employee performance actions at the step in the procedure which is consistent with the action of the employee. Disciplinary actions are used when there is a violation or potential violation of Sheriff's Office policy, procedure, or directive; a law; regulation; order; or generally accepted standard. In all cases, the Sheriff reserves the right to determine what disciplinary action should be carried out. It is the policy of this office to impose disciplinary action fairly, impartially, and only as necessary. Employees of the Sheriff's Office are not considered part of the Arlington County merit system and, as such, may not access the County's grievance process.

**PROCEDURE:****2-701 RESPONSIBILITIES OF SUPERVISORS**

- Initiating the action** - Supervisors are responsible for initiating actions to address employee performance for violations or potential violations of policies, procedures, directives, laws, regulations, orders, or generally accepted standards. If the supervisor feels an employee's actions may be corrected with

the assistance of the Employee Assistance Program, he/she refers that employee, in accordance with policy 2-603.

Actions taken to address employee performance throughout the year are reflected on the employee's annual performance appraisal. Likewise, a supervisor should notify an employee of deficiencies prior to the performance appraisal conference. Employee performance deficiencies should be brought to the employee's attention, as necessary, throughout the employee evaluation period. The performance appraisal conference should not be the first time an employee is informed of deficiencies in performance.

2. **Documentation** - Supervisors maintain records of action discussed with the employee in accordance to policy.

## **2-702 DISCIPLINARY ACTION GUIDELINES**

1. Guidelines have been provided in policy 2-300 (Employee Conduct) for supervisors' use in determining policy violations and unacceptable behavior. The examples given are illustrative and are **not** intended to be all inclusive nor are they binding on supervisors. Supervisors take into consideration the employee's record and any mitigating and aggravating circumstances which may be ascertained during the disciplinary process. **Additional disciplinary action may be recommended at any time if the employee's actions warrant it.**
2. In all cases, supervisors have the responsibility to use discretion in determining discipline. In cases where employees continue to violate the same or similar policies, progressive action should occur (e.g. start with training, counseling and progress through the various steps of discipline as outlined in 2-703).

## **2-703 PROGRESSIVE ACTION**

1. Counseling
  - a. An employee may be counseled verbally or in writing (using the *Written Counseling Form*) by a supervisor when the employee's job performance falls below acceptable standards. This is constructive counseling intended to correct and/or improve employee performance.
  - b. The supervisor brings to the attention of the employee some activity, performance, or action which may be in violation of Sheriff's Office policies, procedures, and/or rules and regulations or which may indicate some deficiency in performance.
  - c. This conference between employee and supervisor may aid the employee in resolving whatever problem he/she may have and prevent those problems from resulting in further disciplinary action.
  - d. Circumstances may exist, based on the nature of the offense, when the appropriate Division Director may take disciplinary action against the employee (e.g. written reprimand) or recommend to the Sheriff that stronger action be taken (e.g. suspension, up to and including dismissal).

- e. The supervisor maintains a copy of the counseling form for his/her records indicating the time and date the counseling took place and forwards a copy through the chain of command to the appropriate Division Director and the Internal Affairs Commander. No documentation is placed in the employee's official personnel file unless disciplinary action is taken.

2. Written Reprimand (Disciplinary Action)

- a. The Division Director, or their designee, upon completion of an investigation, shall discuss the facts of the case with the employee(s) involved as soon as reasonably possible.
- b. If, after conferring with the employee the Division Director determines a written reprimand is appropriate, they, or their designee, shall write a detailed Letter of Reprimand. Once the reprimand has been issued to the employee, the Division Director will document on the reprimand the date, time, location and persons present at the meeting.

Only the Sheriff, Chief Deputy or Division Director or designee can issue a Letter of Reprimand. All reprimands will be reviewed by the Sheriff prior to being placed in the employees personnel file.

- c. A Letter of Reprimand shall include: the specific policy violation(s); the behavior which must be modified; and the expectations of the employee's future performance. If appropriate, the written reprimand shall contain a time period in which the performance must change in order not to incur a recommendation for additional disciplinary action by the Division Director or designee. The employee's supervisor via the chain of command will monitor and keep the Division Director informed about the employees progress and performance.
- d. After the Letter of Reprimand has been issued to the employee, the Division Director shall maintain the documentation for two business days in anticipation of a possible appeal that may need to be addressed. If no appeal is brought forward within the two business days, the Division Director forwards the documentation through the chain of command to the Sheriff for review. The reprimand is placed in the employee's personnel file and becomes a permanent part of the employee record. The Internal Affairs Commander shall receive a copy of the Letter of Reprimand to enter into the IA database.
- e. The employee may appeal the reprimand in writing to the Chief Deputy. The Chief Deputy shall conduct a review of the facts and circumstances of the incident.
  - If the Chief Deputy is satisfied with the issuance of the letter of reprimand, all written documentation, if any, will be forwarded to the Sheriff for review. The Chief Deputy shall reply to the employee after the review by the Sheriff. All documentation from the appeal shall be placed in the employee's personnel file with the letter of reprimand.

- If the Chief Deputy is not satisfied with the issuance of the letter of reprimand, he/she may lower or rescind the level of the disciplinary action.
  - f. If deemed appropriate, the Sheriff or Chief Deputy may recommend additional disciplinary action.
3. Suspension
- a. A Division Director may suspend an employee with or without pay for up to three (3) working days.
  - b. The Sheriff may suspend with or without pay, any employee in the Office for a length of time that may be considered appropriate.
  - c. Once the suspension letter is issued to the employee, copies are forwarded through the Chain of Command to the Sheriff for review. These copies are then placed in the employee's personnel and IA files and become a permanent part of the employee's record.
  - d. In all cases involving a suspension, the employee's badge and weapon shall be turned in to the Internal Affairs Commander.
4. Other disciplinary action may include, but are not limited to:
- a. Loss of Leave
  - b. Reduction in Salary
  - c. Extension of Probation/Anniversary
  - d. Denial of Pay Increase
  - e. Involuntary Demotion
5. Dismissal
- a. For severe offenses or when other disciplinary actions have been exhausted, the Sheriff may dismiss an employee. Dismissals are discharges or separations of an employee for delinquency, misconduct, inefficiency, or inability to perform the work of the position satisfactorily.
  - b. Prior to being dismissed, the employee shall meet with the Sheriff and Chief Deputy to offer any additional information that may not have come up during the initial investigation. This is an opportunity for the employee to review the incident prior to the Sheriff making their decision on dismissal.
  - c. After the employee meets with the Sheriff and Chief Deputy, the employee is notified, in writing, of the decision and the reason(s) for the dismissal.
  - d. An employee who has been terminated is paid for accumulated leave if the County provisions governing payment of leave have been met.

- e. All Sheriff's Office equipment must be returned in a timely manner as requested by the Equipment Coordinator.
- f. Once a dismissal letter is issued to the employee, a copy is placed in the employees personnel and internal affairs file and becomes a permanent part of the employee's record.

**2-704 ADMINISTRATIVE HEARINGS**

- 1. When the circumstances, gravity, or frequency of violations indicate that dismissal is eminent or has already occurred, the employee **may request an administrative hearing.**
  - a. The hearing may be conducted by the Sheriff or designee, but will not be conducted by any investigative office or official involved in the case surrounding the circumstances of the dismissal.
  - b. The hearing may be conducted pre- or post-termination and is designed to allow the employee the opportunity to present any additional facts, details, or explanations surrounding the conduct.
- 2. All administrative hearings are documented.